IN THE HIGH COURT OF JUDICATURE AT MADRAS
1.
DATED:22.11.2006

CORM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
and
THE HON'BLE MR. JUSTICE S. TAMILVANAN

Writ Appeal No.2656 of 2001

1.S. Vanaja
2.P. Sundararajan .. Appellants/Petitioners

Vs.

1. The Tashsildar and Executive Magistrate
Ootacamund, The Nilgiris.

2. The Head Maniakarar
Uthagamandalam Municipality
Ootacamund, The Nilgiris. .. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2000 passed by His Lordship the Hon'ble Mr. Justice Y. Venkatachalam in Writ Petition No.19109 of 1993 presented to this Court under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose off the petition filed in February 1991 for directing 1st respondent to re-deliver possession of the property which is the subject matter of MC 8/78.

For appellants : Mr. K. Sridhar

For respondents : Mr. P. Subramanian for R.1
Govt. Advocate
..

JUDGMENT

(Judgement of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is filed against the order of the learned single Judge dated 24.10.2000 made in W.P.No.19109 of 1993, in and by which, the learned Judge, after finding that the writ petitioners have not made out a case in their favour, refused to interfere with the impugned proceedings, dismissed their writ petition.

2. Heard the learned counsel for the appellants as well as learned Government Advocate for the first respondent.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the first respondent / Tahsildar and Executive Magistrate, Ootacamund, The Nilgiris, to dispose of their petition

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filed in February, 1991 and for redeliver possession of the property, which is the subject matter of M.C.No.8 of 1978. The learned Judge, after considering the claim of both parties and taking note of the rival submissions, order passed by the first respondent in the capacity as Executive Magistrate as well as the order passed by this Court in Criminal Miscellaneous Petition, after finding that it is not proper to invoke the writ jurisdiction, dismissed the writ petition.

4. We verified the proceedings of the first respondent and claim of the appellants/petitioners. We are in entire agreement with the conclusion arrived at by the learned Judge. It is made clear that we are not expressing anything on the claim of the petitioners/appellants regarding their possession/entitlement in respect of the property in dispute. If the writ petitioners have any grievance, they are free to move the appropriate Civil Court to vindicate the same.

With the above observation, the writ appeal is dismissed. No costs.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Tashsildar and Executive Magistrate
   Ootacamund, The Nilgiris.

1 CC TO MR.K. SRIDHAR, ADVOCATE SR NO 57128

1 CC TO THE G.P., SR NO 56886

Judgement in
W.A.No.2656 of 2001

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